

SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1151 be amended to read as follows:

- 1 Page 7, line 41, delete "which" and insert "**that**".
- 2 Page 10, line 5, reset in roman "If a voter satisfies any of the".
- 3 Page 10, line 6, delete "The" and insert "**qualifications described in**
- 4 **IC 3-11-10-24 that entitle a voter to cast an absentee ballot by**
- 5 **mail, the**".
- 6 Page 11, line 14, strike "must" and insert "**shall**".
- 7 Page 14, between lines 14 and 15, begin a new paragraph and insert:
- 8 "SECTION 15. IC 3-11-10-2 IS AMENDED TO READ AS
- 9 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. **(a)** A voter voting
- 10 by absentee ballot may mark a ballot with a pen or a lead pencil.
- 11 **(b) A person may not engage in electioneering (as defined in**
- 12 **IC 3-14-3-16) in the presence of a voter if the person knows that**
- 13 **the voter possesses an absentee ballot provided to the voter in**
- 14 **accordance with Indiana law.**".
- 15 Page 14, line 18, after "mail" delete "." and insert ":".
- 16 Page 18, between lines 34 and 35, begin a new paragraph and insert:
- 17 "SECTION 23. IC 3-12-11-17.7 IS AMENDED TO READ AS
- 18 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.7. **(a) This**
- 19 **section applies to ballots cast by any voting method.**
- 20 **(b)** Unless the state recount commission makes a finding under
- 21 subsection ~~(b)~~, **(c)**, the commission shall:
- 22 (1) count ballots in accordance with this article; and
- 23 (2) not order that all ballots in a precinct not be counted.
- 24 ~~(b)~~ **(c)** If:
- 25 (1) a party to the recount presents evidence of fraud, tampering,
- 26 or misconduct affecting the integrity of the ballot within a
- 27 precinct; and
- 28 (2) the commission determines that the fraud, tampering, or
- 29 misconduct within that precinct was so pervasive that it is

1 impossible for the commission to determine the approximate
 2 number of votes that each candidate received in that precinct;
 3 the commission may order that none of the ballots from that precinct
 4 be counted."

5 Page 21, line 23, delete "," and insert **"on or before the date of the**
 6 **election for which the absentee ballot has been printed,"**.

7 Page 21, line 26, delete "." and insert **"or the election division,**
 8 **when arranging for the delivery of unmarked absentee ballots to**
 9 **a county election board under IC 3-11-2."**

10 Page 24, after line 42, begin a new paragraph and insert:

11 "SECTION 41. IC 3-14-3-20.5 IS ADDED TO THE INDIANA
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: **Sec. 20.5. (a) This section does not apply to**
 14 **activity subject to 18 U.S.C. 1341.**

15 **(b) An individual who knowingly:**

16 **(1) conspires to obtain property the individual would be**
 17 **entitled to receive as compensation for serving as an elected**
 18 **official by securing false or fraudulent absentee ballot**
 19 **applications or voter registration applications; and**

20 **(2) for the purpose of executing the conspiracy:**

21 **(A) causes the applications to be sent or delivered by any**
 22 **private or commercial carrier operating entirely within**
 23 **Indiana; or**

24 **(B) takes or receives from the private or commercial**
 25 **carrier the false or fraudulent applications or causes the**
 26 **applications to be delivered by the carrier to another**
 27 **person;**

28 **commits a Class D felony."**

29 Page 25, line 5, delete "or", begin a new line block indented and
 30 insert:

31 **"(2) urging or aiding another individual to vote or attempt to**
 32 **vote; or"**.

33 Page 25, line 6, delete "(2)" and insert **"(3)"**.

34 Renumber all SECTIONS consecutively.

(Reference is to EHB 1151 as printed February 18, 2004.)

Senator LAWSON C

